

USDC SDNY DOCUMENT ELECTRONICALLY FILED DCC #: DATE FILED: 12/17/2007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VANESSA HILL, et al.,

Plaintiffs,

-against-

GRISTEDE'S OPERATING CORP.,
et al.,

Defendants.
-----X

:
: 06 Civ. 10197 (LTS) (HBP)

:
: ORDER

PITMAN, United States Magistrate Judge:

Plaintiffs' request for an extension of time made by letter dated December 11, 2007 is granted. Defendants' request that plaintiffs' designations include at least one store with a female manager is denied. All the information concerning all of defendants' stores is, obviously, available to defendants. If plaintiffs' designations constitute non-representative "cherry picking," defendants will be able to point that out in their opposition to the plaintiffs' submissions concerning class certification.

The schedule previously set for discovery concerning plaintiffs' motion for class certification is extended as follows:

1. No later than December 28, 2007, defendants are to identify to plaintiffs' counsel their three largest stores that opened before 1999.

2. Defendants are to make all personnel files for the stores identified in response to paragraph 1 available for inspection and copying by plaintiffs' counsel no later than January 4, 2008.

3. Defendants are to produce for deposition the managers of the three stores identified in response to paragraph 1 on dates mutually convenient to all counsel, said dates to be no later than January 25, 2008.

4. Plaintiffs shall make all their Rule 26(a)(2) disclosures concerning class certification issues no later than February 8, 2008.

5. Defendants shall make all their Rule 26(a)(2) disclosures concerning class certification issues no later than March 7, 2008.

6. Plaintiffs' motion for class certification shall be served no later than April 11, 2008.

7. If counsel wish to depose any experts proffered with respect to class certification issues, they are directed to do so between February 9 and April 10, 2008.

8. I shall set a schedule for the remaining matters in this case after it is determined whether the action will be certified as a class. Counsel are

directed to advise my chambers promptly of Judge

Swain's decision on the motion for class certification.

Dated: New York, New York
December 17, 2007

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

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